



SUMMARY

A Review of the Office of State Fire Marshal



INTRODUCTION

Members of the General Assembly asked the Legislative Audit Council to conduct a review of certain issues at the Office of State Fire Marshal. Our audit focused on the OSFM's enforcement of the laws and fire codes regulating the use of fire extinguishing hoods for commercial cooking stoves and portable fire extinguishers.

The OSFM is responsible for interpreting, communicating, and enforcing fire codes, certifying resident fire marshals, and licensing and permitting fire protection equipment vendors in the state.

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OVERALL FINDING

We identified several areas of concern regarding the regulation of fire extinguishing equipment used by South Carolina businesses and other organizations. First, policies and practices of the OSFM have been inconsistent with the fire codes pertaining to portable fire extinguishers that are no longer manufactured and standards for commercial stoves. Second, the OSFM has not adequately informed regulated organizations on how to gain free access to the fire codes, the specific fire code sections on which citations of violations are based, or their rights to appeal. Finally, the OSFM does not have a review process to check for unnecessary upgrades of fire extinguishing equipment that vendors tell organizations are needed to comply with the fire codes.

As a result, organizations, such as businesses, schools, and hospitals in South Carolina are likely to have incurred unnecessary costs.

FIRE CODE INTERPRETATION

- The OSFM required working fire extinguishers that are no longer manufactured to be replaced according to a specific timetable, rather than when parts were not available, as called for in the applicable fire codes.
- OSFM requirements regarding extinguishers for commercial cooking stoves have not been consistent with the grandfather exemption requirements of state law and relevant fire codes. The OSFM did not allow some older systems to remain in place as permitted by state law and the fire codes.
- Fire equipment servicing companies have been required to have one hard copy service manual for each technician, conflicting with the fire codes, which call for the manuals to be "available."

COMMUNICATION

- The OSFM has not adequately communicated to its resident fire marshals, equipment vendors, and regulated organizations that the national and international fire codes regulating fire extinguishing equipment are available online, at no charge, through the OSFM website. No one we spoke with was aware of the access to the codes.
- Conflicting policy memos from the OSFM caused vendors and regulated organizations to be unclear about when certain fire extinguishers needed to be replaced because the manufacturer was out of business. This resulted in the early replacement of hundreds of fire extinguishers, potentially costing thousands of dollars in large organizations.

FOR MORE INFORMATION

Our full report, including comments from relevant agencies, and this document are published on the Internet. Copies can also be obtained by contacting our office.

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SOUTH CAROLINA GENERAL ASSEMBLY

Legislative Audit Council

Independence, Reliability, Integrity

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- The OSFM discontinued issuing policy memorandums and has not taken steps to inform resident fire marshals, vendors, and regulated organizations about changes in policy or inform them about changes in fire code requirements.
- When a resident fire marshal cites an organization for violating the fire codes, the organization has an inadequate period of time, 24 hours, to file an appeal with the State Fire Marshal.

OVERSIGHT

- South Carolina law does not provide the State Fire Marshal the authority to revoke a resident fire marshal's certification for negligence of duty or failure to perform job responsibilities.
- We found inconsistency among the various resident fire marshals' inspections, causing complaints and uncertainty among the regulated organizations.
- Fire equipment vendors can inform organizations that a costly upgrade of equipment is required by the fire code. Organizations do not have an effective way to confirm that an upgrade is needed.

RECOMMENDATIONS

We recommend that the OSFM:

- Ensure that its policies and procedures are consistent with the fire codes and state law.
- Allow fire extinguishing equipment to remain in service until vendors cannot properly service the equipment, consistent with the fire codes.
- Use its website and inspection forms to notify the public about free access to fire codes and to inform the public about appeal rights, fire code related policy changes, and enforcement issues as they arise.
- Implement a process to check fire protection equipment vendors' inspections for unnecessary upgrades.

See our full report for a complete listing of all of our recommendations.